



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1463

by Rep. Esther Golar

SYNOPSIS AS INTRODUCED:

235 ILCS 5/7-5

from Ch. 43, par. 149

Amends the Liquor Control Act of 1934. Provides that, if the local liquor control commissioner in a municipality with a population of 1,000,000 or more inhabitants has reason to believe, based upon the occurrence of criminal activity, that any continued operation of the premises poses an excessive risk to the health, safety, or welfare of the community, then the local liquor control commissioner may order, without notice or hearing, that a licensed premises be closed for up to 30 days, giving the licensee an opportunity to be heard during that period. Provides that if the sale of alcoholic liquor is incidental to the sale of food or other goods and services, then the order shall only apply to the sale of alcoholic liquor. Effective immediately.

LRB098 07279 MGM 37342 b

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 7-5 as follows:

6 (235 ILCS 5/7-5) (from Ch. 43, par. 149)

7 Sec. 7-5. The local liquor control commissioner may revoke
8 or suspend any license issued by him if he determines that the
9 licensee has violated any of the provisions of this Act or of
10 any valid ordinance or resolution enacted by the particular
11 city council, president, or board of trustees or county board
12 (as the case may be) or any applicable rule or regulations
13 established by the local liquor control commissioner or the
14 State commission which is not inconsistent with law. Upon
15 notification by the Illinois Department of Revenue, the State
16 Commission, in accordance with Section 3-12, may refuse the
17 issuance or renewal of a license, fine a licensee, or suspend
18 or revoke any license issued by the State Commission if the
19 licensee or license applicant has violated the provisions of
20 Section 3 of the Retailers' Occupation Tax Act. In addition to
21 the suspension, the local liquor control commissioner in any
22 county or municipality may levy a fine on the licensee for such
23 violations. The fine imposed shall not exceed \$1000 for a first

1 violation within a 12-month period, \$1,500 for a second
2 violation within a 12-month period, and \$2,500 for a third or
3 subsequent violation within a 12-month period. Each day on
4 which a violation continues shall constitute a separate
5 violation. Not more than \$15,000 in fines under this Section
6 may be imposed against any licensee during the period of his
7 license. Proceeds from such fines shall be paid into the
8 general corporate fund of the county or municipal treasury, as
9 the case may be.

10 However, no such license shall be so revoked or suspended
11 and no licensee shall be fined except after a public hearing by
12 the local liquor control commissioner with a 3 day written
13 notice to the licensee affording the licensee an opportunity to
14 appear and defend. All such hearings shall be open to the
15 public and the local liquor control commissioner shall reduce
16 all evidence to writing and shall maintain an official record
17 of the proceedings. If the local liquor control commissioner
18 has reason to believe that any continued operation of a
19 particular licensed premises will immediately threaten the
20 welfare of the community he may, upon the issuance of a written
21 order stating the reason for such conclusion and without notice
22 or hearing order the licensed premises closed for not more than
23 7 days, giving the licensee an opportunity to be heard during
24 that period, except that if such licensee shall also be engaged
25 in the conduct of another business or businesses on the
26 licensed premises such order shall not be applicable to such

1 other business or businesses.

2 The local liquor control commissioner shall within 5 days
3 after such hearing, if he determines after such hearing that
4 the license should be revoked or suspended or that the licensee
5 should be fined, state the reason or reasons for such
6 determination in a written order, and either the amount of the
7 fine, the period of suspension, or that the license has been
8 revoked, and shall serve a copy of such order within the 5 days
9 upon the licensee.

10 If the premises for which the license was issued are
11 located outside of a city, village or incorporated town having
12 a population of 500,000 or more inhabitants, the licensee after
13 the receipt of such order of suspension or revocation shall
14 have the privilege within a period of 20 days after the receipt
15 of such order of suspension or revocation of appealing the
16 order to the State commission for a decision sustaining,
17 reversing or modifying the order of the local liquor control
18 commissioner. If the State commission affirms the local
19 commissioner's order to suspend or revoke the license at the
20 first hearing, the appellant shall cease to engage in the
21 business for which the license was issued, until the local
22 commissioner's order is terminated by its own provisions or
23 reversed upon rehearing or by the courts.

24 If the premises for which the license was issued are
25 located within a city, village or incorporated town having a
26 population of 500,000 or more inhabitants, the licensee shall

1 have the privilege, within a period of 20 days after the
2 receipt of such order of fine, suspension or revocation, of
3 appealing the order to the local license appeal commission and
4 upon the filing of such an appeal by the licensee the license
5 appeal commission shall determine the appeal upon certified
6 record of proceedings of the local liquor commissioner in
7 accordance with the provisions of Section 7-9. Within 30 days
8 after such appeal was heard the license appeal commission shall
9 render a decision sustaining or reversing the order of the
10 local liquor control commissioner.

11 If the premises for which a license was issued are located
12 within a city, village, or incorporated town having a
13 population of 1,000,000 or more inhabitants and the local
14 liquor control commissioner has reason to believe, based upon
15 the occurrence of criminal activity, that any continued
16 operation of the licensed premises poses an excessive risk to
17 the health, safety, or welfare of the community, then the local
18 liquor control commissioner may, upon the issuance of a written
19 order stating the reason for that conclusion and without notice
20 or hearing, order the licensed premises closed for not more
21 than 30 days, giving the licensee an opportunity to be heard
22 during that period, provided that, if the sale of alcoholic
23 liquor is incidental to the sale of food or other goods and
24 services, then the order shall only apply to the sale of
25 alcoholic liquor.

26 (Source: P.A. 95-331, eff. 8-21-07.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.